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Fresno, California

April 5, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
James Sanchez, Chief Assistant City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

SPCA PET OF THE MONTH - COUNCILMEMBER WESTERLUND

The pet of the month up for adoption, a terrier mix, was presented.

Jerri Gurland Jones, Principal of Rata Elementary School, a school for students with severe physical, emotional and mental handicaps, gave an inspirational message on education.

Councilmember Westerlund gave the invocation and President Dages led the Pledge of Allegiance.

PROCLAMATION OF NATIONAL CRIME VICTIMS' RIGHTS WEEK - MAYOR AUTRY

PROCLAMATION OF DR. PHIL HINTON DAY (COMMUNITY MEDICAL CENTER) - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF VOLUNTEERS OF AMERICA DAY - COUNCILMEMBER STERLING

The above proclamations were read and presented.

SPECIAL PRESENTATION TO COUNCILMEMBER PEREA - COUNCILMEMBER DUNCAN

Councilmember Duncan, on behalf of the Transportation Authority, presented Councilmember Perea with a plaque for his past service on the Authority.

APPROVE MINUTES OF MARCH 29, 2005:

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of March 29, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

(1) COMMENDATION TO McLANE HIGH SCHOOL ON THEIR ACADEMIC IMPROVEMENT; (2) CAMPUS BIBLE CHURCH'S 35TH ANNIVERSARY CELEBRATION; (3) BASE REALIGNMENT AND CLOSING COMMISSION (BRACC) PROCESS; AND (4) BUDDY BALL GRAND OPENING - COUNCILMEMBER

Councilmember Westerlund commended the staff, teachers and students of McLane on their achievement; stated the Church had a great anniversary event and thanked Council for the proclamation that he presented; gave an update on the BRACC process; and commended the Buddy Ball organization and everyone involved.

REQUEST FOR TRAY MEMO ON LACK OF ENFORCEMENT OF VISIBLE TRASH/RECYCLING/GREENWASTE CANS - COUNCILMEMBER DUNCAN

Request made.

(1) CESAR CHAVEZ EVENTS/CELEBRATIONS; (2) YOUTH DAY AT THE YMCA; AND (3) TOUR OF THE COMMUNITY SANITATION DIVISION - COUNCILMEMBER STERLING

Councilmember Sterling spoke to the success of the above events and thanked everyone involved.

REQUEST STAFF TO (1) ADDRESS KEARNEY BOULEVARD LANDSCAPING NEEDS, AND (2) CLEAN UP AND MOVE TRANSIENTS FROM GOLDEN STATE BOULEVARD - COUNCILMEMBER STERLING

Requests made.

COMMENDATION TO (1) MCLANE HIGH SCHOOL ON THEIR ACADEMIC IMPROVEMENTS, AND (2) THE NEW OWNERS OF THE HISTORIC CRAYCROFT HOME ON THEIR RESTORATION PROJECT - COUNCILMEMBER CALHOUN

Commendations made.

COMMENDATION TO (1) ONE-BY-ONE LEADERSHIP ON THEIR "AGES OF GRACE" WEEKEND EVENT, AND (2) DEANNA HOFFMAN OF THE JUNIOR LEAGUE OF FRESNO ON THE SUCCESSFUL ARTS FUND-RAISING EVENT ON THE FULTON MALL THIS PAST WEEKEND - COUNCILMEMBER PEREA

Commendations made.

REQUEST TO STAFF TO ADDRESS MEDIAN-ISLAND LANDSCAPING NEEDS CITY-WIDE - PRESIDENT DAGES

Request made.

APPROVE AGENDA:

(3:00 P.M.) HEARING ON TEN (10) REZONE APPLICATIONS - CONTINUE TO APRIL 12, 2005, AT 3:00 P.M.

1. HEARING ON REZONE APPLICATION NO. R-04-34 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ENGINEERING, ON BEHALF OF GENERATION HOMES, INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. POLK AND W. CLINTON AVENUES IN COUNCIL DISTRICT 1

2. HEARING ON REZONE APPLICATION NO. R-04-35 AND ENVIRONMENTAL FINDINGS, FILED BY R.W. GREENWOOD ASSOCIATES, INC., ON BEHALF OF ED POPLIN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. MAPLE AND E. POWER AVENUES IN COUNCIL DISTRICT 6

3. HEARING ON REZONE APPLICATION NO. R-04-37 AND ENVIRONMENTAL FINDINGS, FILED BY DMP LAND DEVELOPMENT COMPANY, PROPERTY LOCATED ON THE NORTH SIDE OF E. JENSEN BETWEEN S. PEACH AND S. MINNEWAWA AVENUES IN COUNCIL DISTRICT 5

4. HEARING ON REZONE APPLICATION NO. R-04-51 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING, ON BEHALF OF CENTURY DEVELOPERS, LLC, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. POLK AND W. GETTYSBURG AVENUES IN COUNCIL DISTRICT 3

5. HEARING ON REZONE APPLICATION NO. R-04-54 AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES FRESNO, PROPERTY LOCATED ON THE WEST SIDE OF N. BRYAN BETWEEN W. SHAW AND W. GETTYSBURG AVENUES IN COUNCIL DISTRICT 2

6. HEARING ON REZONE APPLICATION NO. R-04-57 AND ENVIRONMENTAL FINDINGS, FILED BY INGLES-BRAUN AND ASSOCIATES, ON BEHALF OF LANDCASTLE REAL ESTATE, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF S. PEACH AND E. GROVE AVENUES IN COUNCIL DISTRICT 5

7. HEARING ON REZONE APPLICATION NO. R-04-61 AND ENVIRONMENTAL FINDINGS, FILED BY HARBISON INTERNATIONAL, INC., ON BEHALF OF PEM PROPERTIES, LLP, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE W. GETTYSBURG AND N. BARCUS AVENUE ALIGNMENTS, WEST OF N. CORNELIA AVENUE AVENUES IN COUNCIL DISTRICT 2

8. HEARING ON REZONE APPLICATION NO. R-04-65 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ENGINEERING, ON BEHALF OF CIAO PROPERTIES, PROPERTY LOCATED ON THE SOUTH SIDE OF W. BULLARD WEST OF THE INTERSECTION OF N. GRANTLAND AND W. BULLARD AVENUES IN COUNCIL DISTRICT 2

9. HEARING ON REZONE APPLICATION NO. R-04-77 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING, INC., ON BEHALF OF CAMBRIDGE & LENNAR HOMES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. ARMSTRONG AND S. TEMPERANCE AVENUES IN COUNCIL DISTRICT 5

10. HEARING ON REZONE APPLICATION NO. R-04-96 AND ENVIRONMENTAL FINDINGS, FILED BY BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS, PROPERTY LOCATED ON THE WEST SIDE OF N. FOWLER BETWEEN E. BELMONT AND E. MCKENZIE AVENUES IN COUNCIL DISTRICT 5

Continued to April 12, 2005, at 3:00 p.m.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Councilmember Boyajian pulled Item 1-D for discussion.

(1-A) APPROVE THE NAMING OF TWO PARKS AND RECREATION FACILITIES

1. **RESOLUTION NO. 2005-110** - APPROVE THE NAMING OF THE BASEBALL FIELD AT NEILSEN PARK AS "ANDREW MITCHELL FIELD"

2. **RESOLUTION NO. 2005-111** - APPROVE THE NAMING OF THE NEW BELMONT AND SUNNYSIDE PARK IN HONOR OF AL RADKA

(1-B) RESOLUTION NO. 2005-112 - AUTHORIZING ACCEPTANCE OF FY 2005 WEED AND SEED GRANT PROGRAM PASS-THROUGH FUNDING OF UP TO \$83,744 FROM THE UNITED WAY OF FRESNO COUNTY AND EXECUTION OF PROGRAM DOCUMENTS

1. **RESOLUTION NO. 2005-113** - 69TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$43,400 FOR THE UNITED WAY SOUTHEAST DISTRICT WEED AND SEED PROGRAM

(1-C) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY AND WAYNE H. TOWNE AND FRANCES TOWNE FOR OFFICE SPACE AT 1330 "L" STREET, SUITE "G", FOR THE POLICE DEPARTMENT BACKGROUND UNIT

(1-E) RESOLUTION NO. 2005-114 - 72ND AMENDMENT TO AAR 2004-209 APPROPRIATING \$80,000 FOR THE PURCHASE OF A THERMOPLASTIC SPRAY UNIT

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

CONTESTED CONSENT CALENDAR:

(1-D) RESOLUTION NO. 2005-115 - 71ST AMENDMENT TO AAR 2004-209 APPROPRIATING \$140,000 OF CFD NO. 2 FUNDS TO EXTEND AN INTERAGENCY AGREEMENT WITH THE LOCAL CONSERVATION CORPS (LCC) FOR LANDSCAPING MAINTENANCE AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT

Councilmember Boyajian clarified he has always supported the LCC but stated he was disappointed with some of the work and inconsistency on Van Ness and presented questions and comments relative to whether city staff supervises LCC workers, if inmates will be used **(2 - 0)**, there having to be a better way to do the job, willingness to contribute infrastructure funds, and other general questions on the work being done by the LCC, with Assistant Public Works/Street Director Dilley and an unidentified LCC representative responding . A motion and second was made to adopt the resolution. Mr. Dilley responded to questions of Councilmembers Westerlund and Boyajian relative to work/growth cycles, how the rain/weather affects the cycles, and if the subject funds were additional funds to help the division do the work.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-115 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY PAULA GUZMAN, 1355 W. SIERRA, REGARDING SPECIFIC GRAFFITI AND GARBAGE PROBLEMS IN PINEDALE

Ms. Guzman spoke to a graffiti problem on the back of a motel which faces a school and to a garbage can at a grocery and liquor store that is used by everyone resulting in a very unsanitary area. Councilmember Calhoun requested Ms. Guzman contact his office so his staff could follow up.

(3-A) REPORT ON MARKETING PLAN AND PACKAGE FOR ROEDING BUSINESS PARK - COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated things had hopefully been worked out and staff now had information to submit. Economic Development Director Burkhardt stated the research and compilation of information had been completed, distributed a draft plan to Council, and advised the information presented was being edited and prepared for publication. Councilmember Westerlund recommended the matter be continued one week so Council could review the material and provide input and requested staff hold off on the publishing until Council considers the matter. The matter was continued two weeks and subsequently changed to one week.

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Councilmember Calhoun stated he felt things were being done piecemeal and the economic development department, the redevelopment agency and the Economic Development Corp. (EDC) needed to work together as a team as economic development and the Roeding Business Park were more than just one department and elaborated, and questioned if staff was comfortable that all parties were aware of this. Assistant City Manager Ruiz responded and stated this was good information and no official document or policy was being adopted. Councilmember Westerlund added his intent was to just get information out to developers on what is available at the park, stated the agency did its job and now the economic development department and the EDC needed to market what was out there and added he was told by Realtors that this was the type of information that was needed, and noting the agenda for April 19th was heavy continued the matter one week to April 12th. Councilmember Boyajian agreed the information would be beneficial, questioned if the matter should go through the Housing Task Force stating Council needed to look at the park in the big picture, and stated this was a procedural issue and elaborated. President Dages stated he liked what was presented and there was no further discussion.

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(3-B) RESOLUTION NO. 2005-116 - AMENDING THE CITY COUNCIL RULES AND PROCEDURES TO LIMIT COUNCILMEMBERS TO THREE (3) MINUTES FOR REPORTS AND ANNOUNCEMENTS UNDER "COUNCIL MEMBER REPORTS AND COMMENTS" - PRESIDENT DAGES

Briefly reviewed by President Dages who stated his desire was to keep to the agenda time schedule as best as possible and requested Council's support.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-116 hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

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(10:00 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 90, FINAL TRACT MAP NO. 5284

1. RESOLUTION NO. 2005-117 - ANNEXING TERRITORY

2. RESOLUTION NO. 2005-118 - CALLING A SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2005-119 - DECLARING ELECTION RESULTS

4. BILL NO. B-28 - ORDINANCE NO. 2005-30 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Calhoun restated until he receives staff's report clarifying how these will be paid for long-term he would continue to vote "no". A motion was made to approve staff's recommendation. Mr. Kirn responded briefly to questions/comments of Councilmember Westerlund relative to certain material included in the report and concern with showing election results before the item has been approved **(3 - 0)**.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-117, 2005-118 and 2005-119 hereby adopted, and the above entitled Bill No. B-28 adopted as Ordinance No. 2005-30, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

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RECESS - 10:07 A.M. - 10:15 A.M.

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